

II. Telephone Interview and Acknowledgment of Non-Final Nature of the Outstanding Office Action

Applicant appreciatively thanks the Examiner for the courtesies extended to Applicant's representative, Louis DelJuidice, in an interview held on January 3, 2007, in which it was clarified that the Office Action mailed December 6, 2006 was a non-final rather than a final office action.

III. Acknowledgment of Allowable Subject Matter

Applicant thanks the Examiner for the acknowledgment of allowable subject matter in claims 31-38.

IV. Claim Objections

Claims 31-38 are objected to as being dependent upon rejected base claims but would be allowable if rewritten in independent form including all the elements of the base claims and any intervening claims.

Applicant respectfully submits that, as argued below, the references cited by the Examiner do not support rejection of any of the base or intervening claims and respectfully requests that the objections thereof be withdrawn.

Claims 11-30 and 39-42 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,783,292 to Tokito et al. ("Tokito"). The Examiner contends that Tokito discloses every element recited in the claims. Applicant respectfully traverses the rejections.

Claim 11, as amended, recites the element of “a metal halide compound selected from the group consisting of chlorides, bromides, and iodides.” Applicant respectfully submits that Tokito does not disclose this element. In pertinent part, Tokito discloses at the most:

metal fluorides such as magnesium fluoride, calcium fluoride or metal oxides such as tin oxide, zinc oxide, silicon oxide, germanium oxide are used. Additionally semiconductors with wide band gaps such as zinc sulfide, selenium sulfide, gallium arsenide [and gallium phosphide; Tokito, column 4, line 34] can be utilized.

Tokito, column 9, lines 7-11. Tokito does not disclose a metal chloride, a metal bromide, or a metal iodide.

At least for this reason, Tokito does not disclose all the elements recited in claim 11, and thus does not anticipate claim 11. Applicant respectfully requests that the rejection of claim 11 on this basis be withdrawn.

Claims 12-14, 19-26, and 39-42 depend directly or indirectly from claim 11. Therefore, at least for the same reason as stated above in relation to claim 11, Tokito does not anticipate these claims. Applicant respectfully requests that the rejections of claims 12-14, 19-26, and 39-42 on this basis be withdrawn.

Claims 15-18 and 27-30 have been canceled, rendering the rejections of these claims moot.

VI. Claim Rejections under 35 U.S.C. § 103(a) over Tokito

Claims 19-26 and 39-42 are rejected under 35 U.S.C. § 103(a) as unpatentable over Tokito in view of the Examiner's statement of the ordinary skill in the art. The Examiner contends that Tokito in combination with the Examiner's statement of the ordinary skill in the art renders the claims obvious. Applicant respectfully traverses the rejections.

Claims 19-22 recite, due to their dependency from claim 11, the element of "a transition metal halide" in which the halide is a chloride, a bromide, or an iodide.

Claims 23-26 recite, due to their dependency from claim 11, the element of "a rare earth metal halide" in which the halide is a chloride, a bromide, or an iodide.

Claims 39-42 recite, due to their dependency from claim 11, the element of "a combination of a halide of europium and a halide of an alkali metal or a combination of a halide of europium and a halide of an alkaline earth metal" in which each halide is a chloride, a bromide, or an iodide.

In contrast, Tokito, in pertinent part, discloses at the most "metal fluorides such as magnesium fluoride, calcium fluoride." Tokito, column 9, lines 7-8.

Applicant respectfully submits that none of the three requirements of a *prima facie* case of obviousness under 35 U.S.C. § 103(a) is met by Tokito in combination with the Examiner's statement of the ordinary skill in the art.¹

¹ "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143 ¶ 1.

First, there is no suggestion or motivation, either in Tokito or in the Examiner's statement of the ordinary skill in the art, to modify Tokito to encompass any of the elements of claims 19-26 and 39-42 cited above.

Second, while Tokito's purpose is "to fabricate an organic electroluminescent device with good thermal stability and such high durability that its light emission efficiency is retained over a predetermined level for a long time" (Tokito, Abstract, lines 1-4), no reasonable expectation of success in achieving this goal is shown by expanding Tokito's disclosure to include any of the elements of claims 19-26 and 39-42 cited above.

Third, Tokito, alone or in combination with the Examiner's statement of the ordinary skill in the art, does not teach or suggest all of the elements of claims 19-26 and 39-42 cited above.

At least for these reasons, Tokito in view of the Examiner's statement of the ordinary skill in the art does not render any of claims 19-26 and 39-42 obvious. Applicant respectfully requests that the rejections of these claims on this basis be withdrawn.

VII. Claim Rejections under 35 U.S.C. § 102(b) over Baldo

Claims 11-22 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,097,147 to Baldo et al. ("Baldo"). The Examiner contends that Baldo discloses every element recited in the claims. Applicant respectfully traverses the rejections.

Claim 11, as amended, recites the element of "one or two or more metal halide compounds selected from the group consisting of chlorides, bromides, and iodides." Applicant respectfully submits that Baldo does not disclose this element. Baldo discloses, at the most, the platinum

At least for this reason, Baldo does not disclose all the elements recited in claim 11, and thus does not anticipate claim 11. Applicant respectfully requests that the rejection of claim 11 on this basis be withdrawn.

Claims 12-14 and 19-22 depend directly or indirectly from claim 11. Therefore, at least for the same reason as stated above in relation to claim 11, Baldo does not anticipate these claims. Applicant respectfully requests that the rejections of claims 12-14 and 19-22 on this basis be withdrawn.

Claims 15-18 have been canceled, rendering the rejections of these claims moot.

2 “‘PtOEP’ refers to 2,3,7,8,12,13,17,18-octaethyl-21H,23H-porphine platinum (II).” Baldo, column 2, lines 61-
62


CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: April 5, 2007

Respectfully submitted,

By 

Louis J. DelJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant